IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3800 OF 2006

In

APPEAL NO.947 OF 2003

In

SUMMONS FOR JUDGEMENT NO.413 OF 2001

In

SUMMARY SUIT NO.4228 OF 2000

Allahabad Bank : Appellant

(Orig.Defendant No.1)

V/s.

M/s.Divya International L.L.C. & Ors. : Respondents

(Orig.Pltffs.& Defts.

No.2 & 3)

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Mr.D.H.Mehta with Mr.Ketan Parekh i/b. M/s.K.R.Parekh & Co., for respondent nos.4 & 5 in support.

Mrs.Usha Srivastav i/b. M/s.Consulta Juris for the appellant to show cause.

Mr.Virag Tulzapurkar, senior counsel, with Ms Deepti Adhav i/b. M/s.Gordhandas & Fozdar for respondent nos.1 to 3 to show cause.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : NOVEMBER 30, 2006.

P.C.

1. After arguing the Motion for sometime, Mr.Mehta, the

counsel for the applicants prays for withdrawal of the Notice of Motion, in view of the objection raised by the senior counsel for the respondent nos.1 to 3 about the locus of the present applicants in taking out the present Notice of Motion.

2. The prayer of Mr.Mehta is fair and reasonable.

3. We, accordingly, allow the Notice of Motion to be withdrawn. Needless to say that the applicants are at liberty to pursue any legal remedy that they may have against the respondent nos.1 to 3.

R.M. LODHA, J.

S.A. BOBDE, J.